Application Serial No. 10/594,646   PATENT
Reply to office action of February 2, 2009   Docket: CU-5139

REMARKS/ARGUMENTS

Reconsideration is respectfully requested.

Claims 1-22 are pending before this amendment. By the present amendment, claims 2 and 20 are <u>amended</u>. No new matter has been added.

REJECTION UNDER 35 U.S.C. § 103

In the office action (page 3), claims 1, 7, 10-12, 14-19, 21 and 22 stand rejected under 35 U.S.C. §103(a) as being obvious over U.S. Publication No. 2004/0073928 (Alakoski) in view of U.S. Publication No. 2004/0266440 (Fuchs). The "et al." suffix is omitted in a reference name. In the office action (page 6), claims 3-6, 8-9, 13 and 20 stand rejected under 35 U.S.C. §103(a) as being obvious over Alakoski in view of Fucks, and further in view of in view of U.S. Publication No. 2002/0054596 (Sendgodan).

The applicant respectfully traverses the rejection.

Claim 1 recites, inter alia:

--sending a message which carries MBMS bearer capabilities of a user equipment (UE) from the UE to a SGSN which the UE belongs to after passing authorization--

In the office action (page 3), the examiner cites [0041] of Alakoski as allegedly disclosing this element of the present invention. The applicant respectfully disagrees.

The applicant respectfully submits that Alakoski at best discloses that **a request message** may be received from a mobile device 50 at a SGSN 54 through a RAN 52 to register the mobile device to a specific multicast service; the request message may be in the form of an activate MBMS context request (Alakoski paragraph [0041]).

In contrast, in claim 1, --**a message which carries MBMS bearer capabilities of a UE**-- is sent --from the UE to a SGSN which the UE belongs to after passing authorization--.

As can be seen, the request message in Alakoski does not carry the MBMS bearer capabilities of the UE; and therefore, Alakoski fails to teach or suggest the features of --*sending a message which carries MBMS bearer capabilities of a user equipment (UE) from the UE to a SGSN which the UE belongs to after passing*

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authorization-- as required by claim 1.

Claim 1 recites, inter alia:

--verifying whether the MBMS bearer capabilities of the UE are less than Required MBMS Bearer Capabilities, if the SGSN has the Required MBMS Bearer Capabilities--

In the office action (page 3), the examiner cites [0041] as allegedly disclosing this element of the present invention.

Alakoski discloses that it may be <u>verified that the mobile device is **authorized to receive generic MBMS bearer data or service**</u>, 103; the verifying may be <u>based on subscription data retrieved from a HLR</u> by the SGSN 54 (paragraph [0041]).

In contrast, in claim 1, it is <u>verified whether the MBMS bearer capabilities of the UE are **less than** Required MBMS Bearer Capabilities</u>, if the SGSN has the Required MBMS Bearer Capabilities.

As can be seen, in Alakoski the mobile device is authorized to receive generic MBMS bearer data or service is verified; whereas in claim 1, --whether the MBMS bearer capabilities of the UE **are less than** Required MBMS Bearer Capabilities is verified--.

Moreover, in Alakoski the verifying is based on subscription data retrieved from a HLR, whereas in claim 1 the MBMS bearer capabilities of the UE is received from the UE (claim 1 recites --sending a message ... from the UE--).

Accordingly, the applicant respectfully submits that the verifying in Alakoski is **not** analogous to the verifying in claim 1. Therefore, Alakoski fails to teach or suggest the features of --*verifying whether the MBMS bearer capabilities of the UE are less than Required MBMS Bearer Capabilities, if the SGSN has the Required MBMS Bearer Capabilities*-- as required by claim 1.

Claim 1 recites, inter alia:

--rejecting a request for activating an MBMS Context if the MBMS bearer capabilities of the UE are less than the Required MBMS Bearer Capabilities, or creating an MBMS UE Context if the MBMS bearer capabilities of the UE are not less than the Required MBMS Bearer Capabilities--

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In the office action (page 3), the examiner concedes that Alakoski does not teach this element of claim 1 and cites Fuchs [0083] as disclosing the missing subject matter. The applicants respectfully disagree.

Fuchs at best discloses that MGSN 56 _forwards_ to an associated GGSN 58 _context requests it does not handle_; alternatively or additionally, MGSN 56 _rejects context requests it does not handle_, and MSs 20 optionally resends the context request to a GGSN 58 responsive to the rejection from MGSN 56 (see paragraph [0083]).

In contrast, in claim 1 a request for activating an MBMS Context is _rejected if the MBMS bearer capabilities of the UE are less than the Required MBMS Bearer Capabilities_, or _creating an MBMS UE Context if the MBMS bearer capabilities of the UE are not less than the Required MBMS Bearer Capabilities_.

As can be seen, in Fuchs, if the MGSN does not handle the context request, the context request is forwarded to an associated GGSN or is rejected, whereas in claim 1, if the MBMS bearer capabilities of the UE are less than the Required MBMS Bearer Capabilities, the request for activating an MBMS Context is rejected.

Therefore, the condition of rejecting the context request in Fuchs is **not** analogous to the condition of rejecting the request in claim 1. Therefore, Fuchs fails to teach or suggest the features of --_rejecting a request for activating an MBMS Context if_ **_the MBMS bearer capabilities of the UE are less than the Required MBMS Bearer Capabilities_** as required by claim 1.

Moreover, Fuchs does **not** teach --_or creating an MBMS UE Context if the MBMS bearer capabilities of the UE are not less than the Required MBMS Bearer Capabilities_-- as claimed in claim 1.

In view of the foregoing, Applicant respectfully submits neither Alaksoki nor Fucks, whether considered individually or in combination, teach or suggest the present invention of claim 1. An indication of allowable subject matter with respect to claim 1 is respectfully requested.

Sendgodan fails to make up for the deficiencies of Alaksoki and Fucks. Thus, Claims 2-22, which depend from claim 1, should be allowable for at least the same

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reasons. Accordingly, the applicant respectfully requests withdrawal of the rejections under 35 USC § 103(a).

CONCLUSION

For the reasons set forth above, the applicant respectfully submits that claims 1-22 pending in this application are in condition for allowance over the cited references. Accordingly, the applicant respectfully requests reconsideration and withdrawal of the outstanding rejections and earnestly solicits an indication of allowable subject matter.

This amendment is considered to be responsive to all points raised in the office action. Should the examiner have any remaining questions or concerns, the examiner is encouraged to contact the undersigned attorney by telephone to expeditiously resolve such concerns.

Respectfully submitted,

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